

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 6TH OCTOBER, 2020 AT 6.00 PM**

Present:	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Cawthron, Codling, Harris and Placey
Also Present:	Robin Green (Barrister), Greg Jones (Highways Consultant)
In Attendance:	Graham Nourse (Assistant Director (Planning)), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Keith Durran (Democratic Services Officer), Hattie Dawson-Dragisic (Apprentice (Democratic Services & Elections)) and Emma Haward (Leadership Support Assistant)

53. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Casey and Fowler. There were no substitutions.

54. DECLARATIONS OF INTEREST

There were none.

55. EXEMPTION OF PRESS AND PUBLIC

Following discussion by the Committee, it was proposed by Councillor Bray, seconded by Councillor Alexander and **RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 4 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A, as amended, of the Act.

56. LAND TO THE NORTH OF ST JOHNS ROAD CLACTON ON SEA PUBLIC INQUIRY - LEGAL ADVICE UPDATE

This matter had originally been brought before Planning Committee at its previous meeting held on 22nd September, 2020.

At that meeting the Committee had decided not to defend reason for refusal 3 (Loss of Privacy) at the forthcoming Public Inquiry, but had requested that additional consideration be given to defending the highway reasons for refusal, in particular matters relating to junction capacity, assessment of the May 2017 Jacobs study which had informed the Local Plan process, accident data and further consideration of whether adequate visibility splays had been considered.

The Council's highways consultant Greg Jones (i-Transport) had now updated his previous assessment note, taking into account matters raised by the Committee and this updated note had been circulated to Members prior to the meeting.

Councillor Bray raised particular concerns that although the Committee was advised by Planning Officers, it was not qualified to make a decision on this matter. Lisa Hastings, (Head of Governance and Legal Services), advised Members that they were required to make an informed decision.

Following discussion by the Committee, it was proposed by Councillor Harris, seconded by Councillor Bray and unanimously **RESOLVED** that -

1. the Planning Committee notes the summary legal advice received from external Counsel and the Councils Highway consultant;
2. in light of the clear legal and highways advice the Planning Committee confirms that it does not wish to continue defending ground 3 of the reasons for refusal (highways);
3. Officers be instructed to work with Counsel to defend the planning appeal on the grounds of reasons 1, 2, 4 and 5; and
4. a member of the Planning Committee gives evidence on behalf of the Committee regarding the grounds of refusal if required.

The meeting was declared closed at 8.00 pm

Chairman